

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re: :
JOSEPH MARTIN THOMAS, : BANKRUPTCY NO. 20-10334 TPA
Debtor. : THE HONORABLE THOMAS P. AGRESTI
:
WIDGET FEDERAL CREDIT UNION, : CHAPTER 11
:
Movant, : Related to Document No. 132
:
v. :
:
JOSEPH MARTIN THOMAS, :
:
Respondent. :
:
:

CONSENT ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY

And now, this 9th day of July, 2020, the Court FINDS as follows:

- 1) Widget Federal Credit Union (hereinafter "Widget") is the holder of a first lien on a 2017 Ford F-150, VIN# 1FTEW1EF8HKD62536 (the "Vehicle"), owned by the Debtor.
- 2) The Debtor is in default on the Retail Installment Sales Contract entered into with Widget for monthly payments of approximately \$1,206.76. The current balance due on the Contract is approximately \$49,335.23.
- 3) The Debtor can no longer afford the monthly payments to Widget due to loss of income.
- 4) Moreover, the Debtor wishes to consent to relief from the automatic stay to allow Widget to sell its collateral to Champion Ford Sales, Inc. ("Champion"), who has offered to pay \$38,000 for the Vehicle.
- 5) Based upon information and belief, the NADA clean retail value of the Vehicle is no greater than \$37,100.

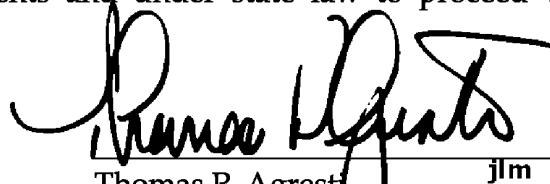
6) As a result, there is no equity in the Vehicle given Widget's lien against it in the amount of approximately \$49,335.23, and the Vehicle is not necessary to an effective reorganization.

7) Widget shall be entitled to file an unsecured deficiency claim for the balance due after sale of the Vehicle to Champion.

8) Consenting to relief from stay as stated herein will save the Debtor the costs associated with retaining this Vehicle, and it will effectively fix and limit Widget's unsecured deficiency claim thereon.

9) As a result, the Debtor maintains that consent to relief as stated herein provides a benefit to the Estate and avoids the time and cost of any further efforts to retain this Vehicle.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Automatic Stay of 11 U.S.C. Section 362 is hereby terminated as to the Vehicle described in Paragraphs 1 above to allow Widget Federal Credit Union to exercise any and all remedies under its loan documents and under state law to proceed with sale and disposition of the Vehicle.



Thomas P. Agresti JLM
United States Bankruptcy Judge

CONSENTED TO:

QUINN LAW FIRM

BY: /s/ Michael P. Kruszewski
Michael P. Kruszewski, Esquire
PA Id. No. 91239
2222 West Grandview Boulevard
Erie, Pennsylvania 16506-4508
Telephone: 814-833-2222
Facsimile: 814-833-6753
mkruszewski@quinnfirm.com
Counsel for Debtor

ELDERKIN LAW FIRM

By: /s/ Craig A. Zonna
Craig A. Zonna, Esquire
Elderkin Law Firm
456 West 6th Street
Erie, Pennsylvania 16507
(814) 456-4000, Ext. 311
Fax (814) 454-7411
cazonna@elderkinlaw.com
Counsel for Widget Federal Credit Union

#1370063

In re:
Joseph Martin Thomas
DebtorCase No. 20-10334-TPA
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0315-1

User: bsil
Form ID: pdf900Page 1 of 1
Total Noticed: 2

Date Rcvd: Jul 09, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 11, 2020.

db +Joseph Martin Thomas, c/o Tri-State Pain Institute, 2374 Village Common Drive, Erie, PA 16506-7201
+Craig A. Zonna, Elderkin Law Firm, 456 West 6th Street, Erie, PA 16507-1216Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 11, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 9, 2020 at the address(es) listed below:

Gary V. Skiba on behalf of Interested Party Tri-State Pain Institute, LLC gskiba@marshlaw.com, DGeniesse@marshlaw.com;rose227@hotmail.com
 Guy C. Fustine on behalf of Creditor Official Committee of Unsecured Creditors for Tri-State Pain Institute, LLC mwernick@kmgslaw.com, knoxbank@hotmail.com,burban@kmgslaw.com, mpol@kmgslaw.com;ecf.alert+Fustine@titlexi.com
 James Warmbrodt on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bkgroup@kmllawgroup.com
 Lauren Michaels on behalf of Creditor Office of Attorney General, Department of Revenue lmichaels@attorneygeneral.gov
 Mark G. Claypool on behalf of Creditor Ally Bank serviced by Ally Servicing LLC mclaypool@kmgslaw.com, knoxbank@hotmail.com;chartle@kmgslaw.com;aklus@kmgslaw.com
 Michael F.J. Romano on behalf of Creditor TIAA Commercial Finance, Inc. mromano@rgalegal.com, tyowell@rgalegal.com;jromano@rgalegal.com
 Michael P. Kruszewski on behalf of Debtor Joseph Martin Thomas mkruszewski@quinnfirm.com, knottingham@quinnfirm.com;mboni@quinnfirm.com;quinnbankruptcy@gmail.com;mmbquinnbankruptcy@gmail.com;mtrayer@quinnfirm.com;gbebko@quinnfirm.com
 Norma Hildenbrand, on Behalf of the United States Trustee by on behalf of U.S. Trustee Office of the United States Trustee Norma.L.Hildenbrand@usdoj.gov
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
 Salene R.M. Kraemer on behalf of Creditor WELLS FARGO BANK, N.A. skraemer@bersteinlaw.com, salene@ecf.courtdrive.com

TOTAL: 10